

REMARKS

Status of the Application

Claims 1-41 are all the claims pending in the application. Claims 1, 2, 15, 16, 25, 40, and 41 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Mohri (US Publication 2002/0012014). Claims 3-6 and 17-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mohri in view of Rafii et al. (US Patent 6,512,838).

By this Amendment, Applicants hereby amend claims 1 and 15.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 15, 16, 25, 40, and 41 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Mohri (US Publication 2002/0012014).

The Examiner has provided the same basic rejection of independent claims 1 and 15 in the instant Office Action as was provided in the previous Office Action, dated December 30, 2009. Therefore, the following comments are mainly directed toward the Examiner's comments in the Response to Arguments section of the Office Action, on pages 6 and 7 of the instant Office Action.

In the Amendment filed March 31, 2010, Applicants argued that the control command disclosed in Mohri and identified by the Examiner is not a configuration of the 3D input device, but is a function of a configuration of the 3D input device. In the Response to Arguments Section of the Office Action, on pages 6 and 7, the Examiner argues that "the control command of the 3D input device is a specific type of configuration" and that "a command based configuration could read on(sic) claimed invention 'configuration'" The Examiner further indicates that that Applicant's argument that Mohri maintains the same configuration regardless

of the hand shape, while in the instant application, an identical hand shape will result in different control commands depending on the configuration, is unpersuasive, since the argued feature is not recited in the claims.

Further, in the Advisory Action mailed October 19, 2010, the Examiner argued that the claim amendments submitted October 4, 2010 would not be entered because the claim amendments raised the issue of new matter. Specifically, the Examiner alleged that:

Amended claims 1 and 15 contain at least one subject matter as follows:
“wherein the input operation is determined by a combination of the finger positions and the assigned configuration of the input device, such that identical finger positions will produce different input operations depending on the assigned configuration of the input device” which is not supported in the specification.

Without conceding to the merits of the Examiner’s original rejection, and further, without conceding to the validity of the Examiner’s comments in the Advisory Action, Applicants hereby amend claims 1 and 15 to recite “wherein the adaptively configuring the 3D input device comprises determining the number of fingers on which the plurality of devices are worn and assigning differing configurations to the input device based on the number of fingers which are wearing a finger device; and wherein the result of the input operation is determined by a combination of the finger positions and the assigned configuration of the input device.”

Applicants respectfully submit that claim 1, as amended, is not anticipated by Mohri.

The amendment clearly indicates that the result of the input operation is determined by the differing configurations and finger positions. Mohri, on the other hand, fails to disclose that the result of the input operation is determined by differing configurations and finger positions, as noted in the previous responses. Mohri merely discloses a single configuration, wherein numerous different sensor arrangements all produce the same results. Thus, any input operation

in Mohri is determined only by finger position. Therefore, Mohri cannot disclose this feature of claim 1.

Accordingly, Applicants respectfully submit that amended claim 1 is patentable over the applied art. Claim 15 is hereby amended to recite features similar to amended claim 1, and is patentable for reasons analogous to amended claim 1. Claims 2, 16, 25 40 and 41 are patentable at least by virtue of their respective dependencies.

Claim Rejections - 35 U.S.C. § 103

Claims 3-6 and 17-18 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Mohri in view of Rafii et al. (US Patent 6,512,838).

Claims 3-6 and 17-18 are dependent from claims 1 and 15. Because Mohri fails to disclose each of the elements of claims 1 and 15, and because Rafii fails to cure the deficiencies noted with respect to claims 1 and 15, claims 3-6 and 17-18 should be patentable at least by virtue of their respective dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Dion R. Ferguson/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Dion R. Ferguson
Registration No. 59,561

Date: November 4, 2010